

195399

U.S. COAST GUARD
CATEGORICAL EXCLUSION DETERMINATION

FOR

USCG-1998-4302-15

HANDLING OF EXPLOSIVES OR OTHER HAZARDOUS MATERIALS
WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

33 CFR PART 126


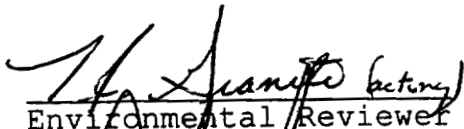
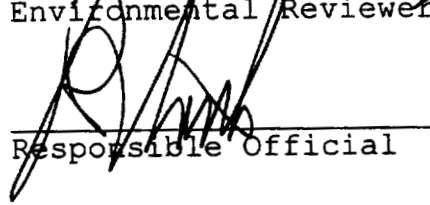
This rulemaking will establish revisions to its existing measures governing the handling of dry, solid hazardous material in bulk, break-bulk, or containers on waterfront facilities. Presently, these regulations were written in the 1950's and do not reflect improved safety procedures and modern transportation methods, such as the use of containers. The proposed measures would establish requirements for facilities handling those materials and incorporate current industry standards.

In effect, the proposed regulation would amend 33 CFR Part 126 to better address the hazards and precautions for packaged material, which have changed over the years, which includes the consolidation of port operations into fewer, but larger, facilities, increased packaging of hazardous materials, the shift from break-bulk cargo to containerization, and the growth of intermodal transfer yards at waterfront sites. This proposed rulemaking is, therefore, administrative in nature by establishing procedural regulations and has no direct impact on the environment.

The Coast Guard thoroughly reviewed this action and the undersigned determined it to be categorically excluded from further environmental documentation according to Figure 2-1(34)(a) of the NEPA Implementing Procedures, COMDTINST M16475.1C, since implementation of this action will not result in any:

1. Significant cumulative impacts on the human environment;
2. Substantial controversy or substantial change to existing environmental conditions;
3. Impacts which are more than minimal on properties protected under 4(f) of the DOT Act, as superseded by Public Law 97-449 and Section 106 of the National Historic Preservation Act; or

4. Inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment.

<u>3/5/98</u> Date	<u></u> Preparer	<u>Fredrick C.G. Scheer</u> Chief, Standards Evaluation and Analysis Division
<u>3/19/98</u> Date	<u> (acting)</u> Environmental Reviewer	<u>H.D. Reese</u> Leader, Planning and Stewardship Team
<u>10/13/98</u> Date	<u></u> Responsible Official	<u>R.C. North, RADM, USCG</u> Assistant Commandant for Marine Safety and Environmental Protection

Indicate One
Yes, No, N/A, UNK

1. Effects on Land Use Patterns.

- a. Is the proposed use of the project site inconsistent with land use in the area? NO
- b. Does the project conflict with local zoning ordinances? NO
- c. Has any controversy over land use arisen with other agencies or the public? NO
- d. Will the project result in the relocation of private residences? NO
- e. Will the project result in the relocation of private businesses? NO
- f. Will the project result in public access through the area? NO
- g. Is the proposed architecture inconsistent with the surrounding architecture or landscape? NO

2. Effects on the Social Environment.

- a. Will the project involve a significant increase in the population of the community? NO
- b. Will the population increase involve an increase in the population density of the area? NO
- c. Will the project require the construction of government housing either now or at a later date? NO
- d. Is there a shortage of support facilities for personnel, including schools, hospitals, shopping facilities, and recreation facilities? NO
- e. Will the influx of Coast Guard personnel significantly tax these support facilities? NO

Indicate One
Yes, No, N/A, UNK

- f. Will the project involve an increased load on utilities, particularly municipal water supplies and sewage disposal facilities? NO
- g. Will the project have a significant effect on the economic activities in the area? NO
- h. Will the project have a significant effect on any parks or recreation areas? NO

3. Effects on Transportation.

- a. Will the project involve significant increased vehicle traffic on surrounding streets and highways either during construction or operation? NO
- b. Will the project involve increased waterway traffic either during construction or operation? NO
- c. Will the project require rerouting of roads? NO
- d. Will the project require rerouting of traffic during construction? NO
- e. Is the project located near any existing bottleneck in vehicle or vessel traffic such as a bridge, intersection, bend in the waterway, restricted channel, etc.? NO
- f. Is the project likely to create any such obstruction either during construction or operation? NO

4. Effects on Public Safety.

- a. Will the project require the storage of explosives? NO
- b. Will the project require the storage of large amounts of fuel? NO

Indicate One
Yes, No, N/A, UNK

- c. Will the project include the construction of radio antennae or high voltage radar or microwave structures? NO
- d. Will the project include landing facilities for Coast Guard aircraft? NO
- e. Will the public have open access to hazardous areas? NO
- f. Will the project require the storage, treatment, handling, or disposal of hazardous wastes? NO

5. Effects on Noise Levels.

- a. Will construction of a facility significantly increase the ambient noise levels of the area? NO
- b. Will operation of the facility increase the ambient noise level of the area?
(Includes operation of machinery, vehicles, vessels, aircraft, loudspeaker systems, alarms, etc.) NO
- c. Will noise levels above the ambient noise levels, from operation at the facility, generally occur past normal working hours?
(7 A.M. to 6 P.M.) NO
- d. Will construction activities at the site continue past normal working hours? NO
- e. Will operations at the facility include the use of equipment with unusual noise characteristics? NO

Indicate One
Yes, No, N/A, UNK

6. Effects on Air Quality.

- a. Will construction activities adversely affect the ambient air quality due to dust, emission from construction vehicles, open burning etc.? (Contact state and local Air Quality Agency for determination.) NO
- b. Will operation of vehicles, vessels or aircraft at the completed facility adversely affect the ambient air quality? (Contact state and local Air Quality Agency for determination.) NO
- c. Will dredging activities result in the release of noxious odors? NO
- d. Will industrial activities at the facility result in toxic or unusual air emissions? NO
- e. Will open burning be carried out at the completed facility? NO
- f. Will a local burning permit be required? NO
- g. Does the action conform to the State Implementation Plan? NO

7. Effects on Water Resources.

- a. Will the project require any dredging below the MHW line, ordinary high water line, or near or in any wetlands, waterways, or other contiguous bodies of water? NO
- b. Will there be any waterway construction (i.e., piers, docks, dolphins, jetties, ramps, etc.)? If yes, Corps of Engineers Sec. 404 permit may be required. NO
- c. Will there be any filling below MHW required? If yes, Corps of Engineers Sec. 404 permit may be required. NO

Indicate One
Yes, No, N/A, UNK

- d. Will there be any modification of the stream bed or banks of a waterway? NO
- e. Will there be any diversion of flow in the waterway? NO
- f. Will construction in adjacent waterways result in alteration of the sedimentation characteristic of the waterway? NO
- g. Will waterfront construction result in an increase in water turbidity? NO
- h. Will operation of vessels at the facility result in bank erosion due to vessel wake? NO
- i. Will a Corps of Engineers Section 404 permit be required? (Contact local USACE Office for a determination?) NO
- j. Will sewage waste water or other pollutants be discharged into an adjacent waterway? NO
- k. Will an Environmental Protection Agency (EPA) and state permit be required to discharge sewage or waste waters into adjacent waterways? (Contact EPA and State Water Quality Offices for determination.) NO
- l. Will the project result in upland pollutants flowing into adjacent waterways? NO
- m. Will water runoff laden with silt from an uncovered and unprotected construction site be allowed to enter adjacent waterways? NO
- n. Will construction related debris enter adjacent waterways? NO

Indicate One
Yes, No, N/A, UNK

- o. Will the project require construction of a well or water intake structure in a natural waterway? (Contact local water and health authorities for possible requirements and permits.) NO
- p. Will the construction of a well or intake structure significantly deplete available water resources? NO
- q. Will there be any contamination of underground aquifers involved in the project or any adverse impact on an EPA designated sole source aquifer? NO
- r. Will dockside sewage and bilge water collection systems require local and state permits? NO
- s. Will the temperature of the surrounding water be raised by any discharges resulting from the construction or operation of the project? NO
- t. Is there a significant possibility of accidental spills of oils, hazardous or toxic materials? NO

8. Effects on Wetlands, Wildlife, and Farmlands.

- a. Will the project require the removal of any marine/aquatic vegetation? NO
- b. Will the project require the significant removal of any terrestrial vegetation? NO
- c. Will the project involve construction in marshland or wetlands area? NO
- d. If dredging is required, will the spoil be deposited in a marshland or wetland area either on or away from the project site? NO

Indicate One
Yes, No, N/A, UNK

- e. Are there any known rare or endangered species inhabiting the project site? NO
- f. Is the project located inside or near a wildlife refuge or wildlife conservation area? NO
- g. Is the project located inside or near a wildlife refuge or wildlife conservation area? NO
- h. Have the Corps of Engineers, U.S. Fish and Wildlife Service and state fish and wildlife agencies determined that there are significant adverse impacts to any marshland, wetlands and/or wildlife associated with the project area? NO
- i. Will farmlands or potential farmlands be lost through Coast Guard use? NO
- j. Has the U.S. Soil Conservation Service's State Conservationist objected to the loss of any farmlands? NO
- k. Has Soil Conservation Service Form #AD-1006 been completed? NO

9. Effects on Coastal Zone Resources.

- a. Does the proposed activity or project require a Coastal Zone Consistency Determination? NO
- b. Does the proposed activity affect a barrier island? (If yes, consultation with the U.S. Fish and Wildlife Service is required.) NO

10. Effects on Public Lands.

- a. Does the project involve land which is either presently used as a public park or recreation area, or is scheduled for public recreation use in the future? (Contact local or regional planning agency.) NO

Indicate One
Yes, No, N/A, UNK

- b. Does the project restrict any access to any public park or recreation area? NO
- c. Is the project located near any public park or recreation area? NO
- d. Does the project impact or restrict access to any public use property or facilities? NO

11. Effects on Archaeological or Historical Sites.

- a. Is the project site located in any area of archaeological, cultural, or historical significance? (Contact the State Historical Preservation Officer (SHPO) for determination.) N/A
- b. Is the project site located near any historical site or structure? NO
- c. Will such an archaeological or historical site or structure be altered by the project? NO
- d. Does the project restrict access to any site or structure of historical or archaeological significance? NO

12. Notification of and Comments From Public Agencies and Public Interest Groups.

- a. Have appropriate state, regional, and local government raised objections to the proposed project? N/A
- b. ~~Has~~ the State Historical Preservation Officer raised objections to the proposed project? (National Historic Preservation Act.) N/A
- c. Has the State Coastal Zone Management Officer raised objections to the proposed project? (Coastal Zone Management Act.) N/A

Indicate One
Yes, No, N/A, UNK

d. Has the U.S. Fish and Wildlife Service raised objections to the proposed project in regard to fishery and wildlife protection (Fish and Wildlife Coordination Act), endangered species (Endangered Species Act), or habitat protection (Protection of Wetlands-Executive Order 11990)?

N/A

e. Has the Corps of Engineers raised objections to the proposed project in regard to floodplain construction (E.O. 11296) and water quality (Clean Air Act)?

N/A

f. Has the EPA raised objections to the proposed project in regard to air quality (Clean Air Act), and water quality (Clean Water Act)?

N/A

g. Will any public park or recreational area, wildlife or waterfowl refuges, or historic sites of national, state, or local significance be affected directly or indirectly (Department of Transportation Act - Section 4(f))?

N/A

h. Has any public interest group (e.g., Sierra Club or League of Women Voters) raised objections to the proposed project?

N/A

13. Summary of Permits Required (If any):

14. Outstanding Issues to be Resolved: